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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,899	04/19/2006	Toni Paila	886A.0023.U1(US)	6105
29683	7590	12/11/2008		
HARRINGTON & SMITH, PC			EXAMINER	
4 RESEARCH DRIVE, Suite 202			BATISTA, MARCOS	
SHELTON, CT 06484-6212				
			ART UNIT	PAPER NUMBER
			2617	
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			12/11/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,899	<b>Applicant(s)</b> PAILA ET AL.
	<b>Examiner</b> MARCOS BATISTA	<b>Art Unit</b> 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 August 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 and 43-52 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 and 43-52 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/146/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Art Unit- Location***

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.
2. This Action is in response to Applicant's amendment filed on 08/22/2008. Claims 1-20 and 43-52 are still pending in the present application. This Action is made **FINAL**.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 11 and 45 have been considered but are moot in view of the new ground(s) of rejection.
4. Note: The term "computer readable medium" as written in claims 45-52 is treated NOT to include any non-statutory term such as: signal, carrier wave and the like.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-20 and 43-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Bokhorst et al. (US 6192230 B1), hereafter "Bokhorst," in view of Gubbi et al. (US 6865609 B1), hereafter "Gubbi."

Consider claim 1, Bokhorst discloses an apparatus (**fig. 2**) comprising: a receiver (**fig. 2 #30**); a controller (**fig. 2 #34**) configured to detect which service components of a plural service components of one or more services are required to be received (**see col. 5 lines 31-35**); a the controller further configured to enable the receiver to receive signals at one or more times in a burst period corresponding to the required service components, and to disable the receiver at one or more times in the burst period corresponding to service components that are not required to be received (**see fig. 6, col. 5 lines 10-13 and lines 31-38** – As shown in figure 6, each station will switch its receiver on upon detecting that data is to be received).

Bokhorst, however, does not particular refer to the plural service components of each or the one or more services being datacast sequentially within a burst.

Gubbi, in analogous art, teaches the plural service components of each or the one or more services being datacast sequentially within a burst (see col. 3 lines 23-27, col. 11 lines 50-60).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Bokhorst and have it include the plural service components of each or the one or more services being datacast sequentially within a burst, as taught by Gubbi. The motivation would have been in order to facilitate the allocation bandwidth (see col. 4 lines 21-29).

Consider claim 2, Bokhorst as modified by Gubbi discloses claim 1. Bokhorst further discloses in which the controller is arranged to enable and disable the receiver

on the basis of received timing information identifying the timing of transmission of service components (see col. 5 lines 18-26).

Consider claim 3, Bokhorst as modified by Gubbi discloses claim 1. Gubbi also teaches in which the controller is arranged to detect which of the service components are required to be received on the basis of a comparison of receiver capability information and received service component data type information (see col. 11 lines 55-66). The motivation would have been in order to manage latency depending on the data type (see col. 11 lines 55-66).

Consider claim 4 Bokhorst as modified by Gubbi discloses claim 3. Gubbi also teaches in which the controller is arranged to source the received service component data type information on the basis of a received service component identifier (see fig. 4, col. 11 lines 33-35 and 41-49). The motivation would have been in order to provide acknowledgements (see fig. 4, col. 11 lines 33-35 and 41-49).

Consider claim 5, Bokhorst as modified by Gubbi discloses claim 1. Gubbi also teaches in which the controller is arranged to detect which of the service components are required to be received on the basis of a comparison of receiver classification information and received service component classification information (see col. 11 lines 52-60). The motivation would have been in order to manage latency depending on the type of data type (see col. 11 lines 52-60).

Consider claim 6, Bokhorst as modified by Gubbi discloses claim 5. Gubbi also teaches in which the controller is arranged to source the received service component classification information on the basis of a received service component identifier (see fig. 4, col. 11 lines 33-35 and 41-49). The motivation would have been in order to manage latency depending on the data type (see col. 11 lines 52-60).

Consider claim 7, Bokhorst as modified by Gubbi discloses claim 5. Gubbi also teaches in which the receiver classification information is determined by a setting of the apparatus (see col. 11 lines 62-67 and col. 12 line 1). The motivation would have been in order to manage latency depending on the data type (see col. 11 lines 52-60).

Consider claim 8, Bokhorst as modified by Gubbi discloses claim 7. Gubbi also teaches in which the classification setting is automatically adjustable in dependence on one or more apparatus parameters (see col. 11 lines 62-67 and col. 12 line 1). The motivation would have been in order to manage latency depending on the data type (see col. 11 lines 52-60).

Consider claim 9, Bokhorst as modified by Gubbi discloses claim 1. Gubbi also teaches in which the controller is arranged to notify characteristics of the apparatus to a remote station (see fig.1 col. 2 lines 40-48). The motivation would have been in order to provide acknowledgements (see fig.1 col. 2 lines 40-48).

Consider claim 10, Bokhorst as modified by Gubbi discloses claim 1. Gubbi also teaches in which the terminal is arranged to notify a service being consumed to the remote station (see col. 19 lines 26-30). The motivation would have been in order to provide acknowledgements (see fig.1 col. 2 lines 40-48).

Consider claims 11-20, these are method claims corresponding to apparatus claims 1-10. Therefore, they have been analyzed and rejected based upon the apparatus claims 1-10 respectively.

Consider claim 43, Bokhorst as modified by Gubbi discloses claim 1. Bokhorst also teaches wherein the apparatus comprises a mobile receiver terminal (see fig. 2 #30, col. 3 lines 42-45).

Consider claim 44, Bokhorst as modified by Gubbi discloses claim 11. Bokhorst also teaches method of claim 11 performed in a mobile receiver terminal (see fig. 2 #30, col. 3 lines 42-45).

Consider claim 45, Bokhorst discloses a computer readable medium encoded with a computer program executable by a processor to perform actions comprising (fig. 2 #34): detecting which service components of plural service components of one or more services are required to be received (see col. 5 lines 31-35); and allowing signals to be received and processed at one or more times in a burst period corresponding to

the required components, and disallowing signal reception and processing at one or more times in the burst period corresponding to service components that are not required to be received (**see fig. 6, col. 5 lines 10-13 and lines 31-38**).

Bokhorst, however, does not particular refer to the plural service components of each or the one or more services being datacast sequentially within a burst.

Gubbi, in analogous art, teaches the plural service components of each or the one or more services being datacast sequentially within a burst (**see col. 3 lines 23-27, col. 11 lines 50-60**).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Bokhorst and have it include the plural service components of each or the one or more services being datacast sequentially within a burst, as taught by Gubbi. The motivation would have been in order to facilitate the allocation bandwidth (see col. 4 lines 21-29).

Consider claim 46, Bokhorst as modified by Gubbi discloses claim 45. Bokhorst further discloses comprising allowing and disallowing signal reception and processing based upon received information identifying the timing of transmission of service components (see col. 5 lines 18-26).

Consider claim 47, Bokhorst as modified by Gubbi discloses claim 45. Gubbi also teaches comprising comparing receiver capability information and received service component data type information, and determining which of the service components are

required to be received based upon the comparison (see col. 11 lines 55-66). The motivation would have been in order to manage latency depending on the data type (see col. 11 lines 55-66).

Consider claim 48, Bokhorst as modified by Gubbi discloses claim 47. Gubbi also teaches comprising using a service component identifier to source the received service component data type information (see fig. 4, col. 11 lines 33-35 and 41-49). The motivation would have been in order to provide acknowledgements (see fig. 4, col. 11 lines 33-35 and 41-49).

Consider claim 49, Bokhorst as modified by Gubbi discloses claim 45. Gubbi also teaches comprising comparing receiver classification information and received service component classification information, and determining which of the service components are required to be received based upon the comparison (see col. 11 lines 52-60). The motivation would have been in order to manage latency depending on the type of data type (see col. 11 lines 52-60).

Consider claim 50, Bokhorst as modified by Gubbi discloses claim 49. Gubbi also teaches comprising using a service component identifier to source the received service component classification information (see fig. 4, col. 11 lines 33-35 and 41-49). The motivation would have been in order to manage latency depending on the data type (see col. 11 lines 52-60).

Consider claim 51, Bokhorst as modified by Gubbi discloses claim 50. Gubbi also teaches comprising automatically adjusting the classification setting in dependence on a sensing of a change in one or more terminal parameters (see col. 11 lines 62-67 and col. 12 line 1). The motivation would have been in order to manage latency depending on the data type (see col. 11 lines 52-60).

Consider claim 52, Bokhorst as modified by Gubbi discloses claim 45. Bokhorst also teaches a computer program as claimed in claim 45 embodied embodied in a mobile receiver terminal (see fig. 2 #30, col. 3 lines 42-45).

#### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marcos Batista, whose telephone number is (571) 270-5209. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached at (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Marcos Batista*  
/M. B./

/Rafael Pérez-Gutiérrez/  
Supervisory Patent Examiner, Art Unit 2617

12/02/2008